
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

KEVIN WAYNE McDANIELS,

Plaintiff,

v.

FNU GOFF, OGDEN CITY POLICE
DEPARTMENT, TIM SCOTT, MAYOR OF
OGDEN, UTAH (MIKE CALDWELL),
OGDEN COUNTY PROSECUTOR'S
OFFICE, FEDERAL BUREAU OF
INVESTIGATION, WILLIAM KENDALL.

Defendants.

REPORT AND RECOMMENDATION

Case No. 1:14-cv-00124-DN-DBP

District Judge David Nuffer

Magistrate Judge Dustin B. Pead

This matter was referred to the court pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 38.) On May 27, 2016, Defendants Federal Bureau of Investigation and William Kendal filed a motion to dismiss. (ECF No. 86.) Plaintiff Kevin Wayne McDaniels did not respond to that motion within the allotted time. *See* D.U. Civ. R. 7-1(b)(3)(A). Likewise, Plaintiff did not respond after the Defendants submitted the motion for the court's consideration. (*See* ECF No. 89.)

Accordingly, the court ordered Plaintiff to respond to the motion to dismiss no later than December 23, 2016. (ECF No. 92.) Plaintiff was warned the failure to respond "will result in dismissal of the entire case for lack of prosecution." (*Id.*) Despite this explicit warning, Plaintiff has not responded to the motion to dismiss or the court's Order.

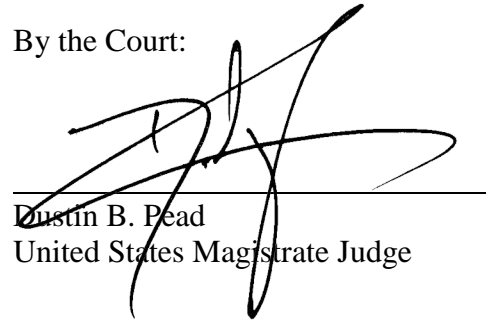
RECOMMENDATION

Based on the foregoing, the court hereby **RECOMMENDS** the District Court **DISMISS** Plaintiff's case for lack of prosecution.

Copies of the foregoing Report and Recommendation are being sent to all parties who are hereby notified of their right to object. Within **fourteen (14) days** of being served with a copy, any party may serve and file written objections. Failure to object may constitute a waiver of objections upon subsequent review.

Dated this 4th day of January, 2017.

By the Court:



A handwritten signature in black ink, appearing to read 'Dustin B. Pead', is written over a horizontal line. The signature is stylized with large, sweeping loops.

Dustin B. Pead
United States Magistrate Judge